



November 24, 2008

The Honorable Mary Peters
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, D.C. 20590

Dear Madame Secretary,

As Chair of the California State Assembly Budget Subcommittee on Information Technology/Transportation, I write to urge you to deny the request of the California Department of Transportation (Caltrans) for a waiver from federal statutes and regulations that would permit Caltrans to place commercial advertising on the state's 674 official Amber Alert signs. I am deeply concerned that waiving applicable federal and state laws to permit these displays would create serious hazards that jeopardize the safety of the motoring public.

As you know, the FHWA recently concluded and will shortly release a study of safety issues in connection with digital billboards. In addition, I understand that the FHWA recently began a new study on this subject which is anticipated to be released by the end of 2010. I am also aware that a third study, commissioned by the American Association of State Highway Traffic Organizations (AASHTO), will soon be released which critically reviews digital billboard safety studies conducted around the world. Given that this extensive research is pending, I urge your agency to adhere to long-established federal and state laws governing outdoor advertising and deny Caltrans' request for a waiver of the applicable laws.

Caltrans would have your agency waive laws and regulations which are in place to enhance drivers' safety. Deviating from these laws would result in more hazardous travel. The clearly stated objective of the Highway Beautification Act of 1965 (23 U.S.C. section 131 et seq) is to "promote the safety...of public travel." Amber Alert signs are official traffic control devices subject to regulation by the federal Manual of Uniform Traffic Control Devices (MUTCD), as adopted by the state of California. The MUTCD provides national standards for traffic control devices on all streets and highways and allows only those traffic control devices that are critical for the "safe and efficient transportation of people and goods." (23 C.F.R. Part 655 Subpart F and www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/) Because of the Manual's emphasis on safety, it also bans "flashing, intermittent and changing lights" adjacent to and on federal-aid highways. (See December 19, 2006 Memorandum from FHWA to the New Jersey Turnpike Authority and California Federal-State Agreement dated February 15, 1968.) To further the safety objectives of the MUTCD, there is a specific prohibition against

advertisements on traffic control devices such as the Amber Alert signs: “Changeable message signs shall display pertinent traffic operational and guidance only, not advertising.” (MUTCD Section 2E.21.)

In my role as Chair of the Budget Subcommittee, I take the safety of the motoring public seriously. From my previous role as a member of the Los Angeles City Council I also have experience in public safety and billboards. Billboards are designed to distract motorists from the road. Digital billboards exacerbate this problem. Moreover, motorists are used to looking to Amber Alert signs for public safety messages. Putting advertising on the official Amber Alert signs would not only meaningfully distract drivers from the road; it would force the public to sift through advertising messages to find the safety messages that should inform their driving behavior.

For all of these reasons, I urge you to reject Caltrans’ request to allow advertising on Amber Alert signs.

Sincerely,

A handwritten signature in black ink that reads "Mike Feuer". The signature is written in a cursive, flowing style with a large, sweeping "M" and a long, curved "F".

Assemblymember Mike Feuer
42nd Assembly District

cc: Director Will Kempton, California Department of Transportation